

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JESSIE J. MORAN,

Plaintiff,

v.

CHIEF OF POLICE SPARKS, *et al.*,

Defendants.

3:12-cv-00492-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#13<sup>1</sup>) entered on November 13, 2013, recommending denying without prejudice Defendants' Motion to Dismiss for Insufficient Service of Process - FRCP 12(b)(5) (#11) filed on April 18, 2013. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#13) entered on November 13, 2013, should be adopted and accepted.

<sup>1</sup>Refers to court's docket number.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#13)  
2 entered on November 13, 2013, is adopted and accepted, and Defendants' Motion to Dismiss for  
3 Insufficient Service of Process - FRCP 12(b)(5) (#11) is **DENIED without prejudice**.


4 IT IS FURTHER ORDERED that the Clerk of the Court shall correct the termination of  
5 defendants Krall and the Chief of Police to reflect that the case is allowed to proceed against these  
6 defendants in there *official* capacity as noted in the screening order (#3).

7 IT IS FURTHER ORDERED that Plaintiff has thirty days (30) from the entry of this order in  
8 which to file a motion to properly effectuate service on each of the defendants.

9 IT IS FURTHER ORDERED that should Plaintiff not file a motion to properly effectuate  
10 service on each of the defendants within thirty (30) days of the entry of this order, Defendants are  
11 permitted to renew their motion to dismiss.

12 IT IS SO ORDERED.

13 DATED this 27th day of December, 2013.

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16 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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